

### REMARKS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Initially the undersigned would like to thank Examiner Tran for the courtesies extended during an oral hearing held with the undersigned on January 9, 2002 at the U. S. Patent and Trademark Office. During the above noted oral hearing the outstanding official action was discussed in detail and the undersigned was greatly aided in formulating an appropriate response thereto.

At the above noted oral hearing the undersigned proposed claim amendments for independent claims 6 and 7 which were rejected in the Examiner's final rejection dated October 9, 2001. The amendments to claim 6 (as the claim has been amended herein) were agreed by the Examiner to overcome the rejection of art. Claim 6 has been amended so as to set forth with specificity that the buttons within each group are functionally connected and that each group of functionally connected buttons is located within a separate recess or depression on the outer surface of the first ear cup. The foregoing is not at all shown or disclosed by Fitzgerald. Accordingly, the Examiner has agreed that claim 6 is allowable of the prior art.

With respect to claim 7, Applicant has deleted claim 7 thereby rendering the Examiner's rejection of same moot.

In accordance with the agreement reached at the above noted oral hearing, Page 3 of the specification has been amended as agreed to by the Examiner at the above noted oral hearing. It was agreed that the amendments did not constitute new matter and merely provided antecedent basis for claimed subject matter in independent claim 6.

In light of the foregoing it is submitted that the instant application is now in condition for allowance and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case,  
it is respectfully requested that they be charged to  
Deposit Account No. 02-0184.


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on January 29, 2002  
(Date of Deposit)  
Rachel Piscitelli  
Name and Reg. No. of Attorney  
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Respectfully submitted,

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Version with amendments to show changes made to the specification

Page 3, delete the second and third paragraphs and substitute therefor the following:

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As will be apparent from Fig. 2, the button set 14 and the buttons included therein are connected to the control unit 15. Using a first group of buttons 18,18', the wearer of the headset arrangement according to the present invention can influence the balance of the output signal between different sound sources. A first sound source includes a microphone 13 which is physically disposed on one or both of the auditory cups 10, 11 and which, by the intermediary of a first amplifier 29, is electrically connected to the control unit 15. A second sound source consists of a radio unit 16 with an antenna 27. The radio unit 16 is electrically connected to the control unit 15. After adjustment of the balance using the first group of buttons 18, 18' which are functionally connected to influence balance, the output signal is led from the control unit 15 by the intermediary of a second amplifier 30 to loudspeakers 17 in the auditory cups. The sound from the radio unit 16 and the microphone 13 may also be shut off using a first separate button 21. The control unit 15 is designed such that a brief depression of the first separate button 21 shuts off the radio

unit 16. A more lengthy depression of the first separate button 21 shuts off the sound from remaining sound sources as well. When the equipment is activated, a first depression of the button 21 entails that the ambient sound from the microphone 13 is turned on. A second depression of the button will result in the radio sound also being turned on.

For adjusting the sound volume in the loudspeakers 17, a second group of buttons 19, 19' which are functionally connected for volume control is provided in the button set 14. The sound volume can also be adjusted independently of the balance between the different sound sources. The radio unit 16 is adjustable to different frequencies. In one particular embodiment, the radio unit 16 includes receivers for both conventional broadcast radio and company-linked radio, for example some form of communication radio. Adjustment of the radio unit 16 is put into effect with the aid of a third group of buttons 20, 20' which are functionally connected for channel searching, and a second separate button 22 for storing channels.

Version with markings to show changes made to claims

6. (Amended) A hearing protection in the form of an acoustic head set comprising:

a first and a second ear cup interconnected by a stirrup or headband, said first and second ear cup each have an inner surface for contacting the ear of a wearer and an outer surface;

one loudspeaker in each one of the ear cups,

one microphone for receiving ambient sound,

one radio unit, and

one electronic control unit actuatable by a button set for transmitting sound to the ear cups from the microphone and the radio unit by the intermediary of the loudspeakers, the buttons of the button set being arranged in groups [with] wherein the buttons within each group are functionally connected to one another and each group is located in a separate recess or depression [in] on the outer surface of the first cup.